

Reversal by the State Fixed for Valuation of National Bank Shares

MANY OFFICIALS AFFECTED. BY THE ASSESSMENT BOARD.

JUDGE McCANN A BENEFICIARY TO EXTENT OF ABOUT \$1,300.

DAMAGE JUDGMENT AFFIRMED. MAY GO TO THE COURTS.

Frankfort, Ky., May 2.—[Special.]—In reversing the judgment of the Franklin Circuit or State Fiscal Court in a case of John R. Thomas against S. W. Hinger, Auditor, the Court of Appeals holds that the legislative act of March 21, 1892, providing that no allowance shall be made to any County Judge, Magistrate, Police Judge or any other official authorized to hold examining courts in felony cases until the grand jury shall have returned indictments in the cases, is not valid as to officers therefore elected or appointed, among them Judge John McCann, of the Louisville Police Court, who will receive about \$1,300. The opinion of the court was handed down by Chief Justice Hobson, the whole court concurring.

The decision is of wide interest over the State, affecting many officials who were elected in November, 1901, among them Judge John McCann, of the Louisville Police Court, who will receive about \$1,300. The opinion of the court was handed down by Chief Justice Hobson, the whole court concurring.

The action was brought by John R. Thomas, Judge of the Police Court of the town of Lebanon. At the time of his election in November, 1901, he was qualified under Section 353 of the Kentucky Statutes allowing County Judges and other Magistrates \$2 for each day and \$1 for each day thereafter for holding felony trials, not to exceed \$4 in any one case. The General Assembly at the 1892 session provided that no allowance should be made except where the grand jury later indicted. Appellate held twenty-two trials, and by mandamus to require the Auditor to pay him the fees fixed by the old statute. The lower court sustained the Auditor in his contention that the new law applied to all examining trials.

The court herein reversing the lower court judgment says in part: "The act of March 21, 1892, is a wise provision and is undoubtedly valid as to all officers elected or appointed after its enactment. But whether it is valid as to officers therefore elected or appointed before its enactment is the question to be determined. Under this section it was held that Circuit Court Clerks elected when there was no law in force allowing fees against the Commonwealth in felony cases were not entitled to the benefit of an act subsequently passed during their term of office. It is five dollars payable out of the treasury in each felony case. The Circuit Clerks of the State are not entitled to the benefit of the act, but are paid back to the treasury the money that they are paid from the Commonwealth. If an act allowing compensation where none was allowed before, it is not a retroactive law within the purview of the Constitutional provision when passed after the officers' election, clearly an act subsequently passed disallowing compensation for official services rendered before the law at the time of his election is equally invalid as to him."

It is insisted, however, for the State, that the act of March 1892, does not retroactively change the law, but only the compensation of plaintiffs' office, but only imposes the condition that no claim for services in felony cases be allowed until the grand jury has returned an indictment for felony. It is contended that the act passed after the indictment was found and did not operate retroactively to deprive plaintiffs of services allowed by law at the time of his election. There would be much force in this position, if the act passed after the indictment was found and did not operate retroactively to deprive plaintiffs of services allowed by law at the time of his election. There would be much force in this position, if the act passed after the indictment was found and did not operate retroactively to deprive plaintiffs of services allowed by law at the time of his election.

The court, Judge Barker writing, reversed judgment of the Marshall Circuit Court in cases of the Commonwealth, for the use of, against W. P. Lee, County Judge, and remanded it for further proceedings.

The action is by the State for the use of Thomas R. Lee, against the appellee, W. P. Lee, on his official bond as Judge of the Marshall County Court, to recover damages alleged to have been sustained by his accepting as surety on a guardian's bond a person who was known to be insolvent. The lower court dismissed the petition.

The court herein reversing, says that appellee knew at the time he accepted the surety that she had no property subject to execution, and that she was insolvent under the statute, and is liable for whatever damage accrued to the infant by reason of this insolvency. The court says the measure of appellee's liability to the injured ward is to make good whatever judgment the latter would be entitled to recover against his guardian and surety.

In another opinion by the Chief Justice, the court affirmed judgment of the Campbell Circuit Court in a case of the South-Covington and Cincinnati Street Railway Company against Charles Smith. The appellee secured judgment below for \$4,000 for injuries sustained by him by coming in contact with an electric wire on a street car of appellant.

The court directed the dismissal of the appealed case of Adams against E. C. Powers, who was charged with the violation of the Court of Appeals, for want of prosecution. Adams, the Republican candidate, secured the office.

IN OLD QUARTERS IN THE GEORGETOWN JAIL.

Caleb Powers Will Be Presented In Court This Morning For the Calling of His Case.

Georgetown, Ky., May 2.—[Special.]—Deputy Sheriff W. C. Waring, accompanied by Special Agents J. H. Harper, John Nichols and Ad Smith, who by the order of the Scott Circuit Court went to Louisville yesterday afternoon to bring Caleb Powers to Georgetown, returned with their prisoner over the Southern railway at noon today. The prisoner was handcuffed at the Louisville jail, but the iron was removed as soon as the party were in the Scott court house. Powers will be called to-morrow, at which time the prisoner will be present when the mandate of the Court of Appeals granting him a new trial is made part of the court record.

SOUTHERN RAILWAY
Best
into Knoxville.
Through Sleepers—Two Trains Daily.

BASIS

Fixed for Valuation of National Bank Shares

MANY OFFICIALS AFFECTED. BY THE ASSESSMENT BOARD.

JUDGE McCANN A BENEFICIARY TO EXTENT OF ABOUT \$1,300.

DAMAGE JUDGMENT AFFIRMED. MAY GO TO THE COURTS.

Frankfort, Ky., May 2.—[Special.]—The State Board of Valuation and Assessment to-day determined that it would arrive at the value of shares of stock of national banks in Kentucky this year for the purpose of taxation by taking the total capital stock, surplus fund and undivided profits, and deducting therefrom the value of real estate held by the bank. This method does not provide for deduction of the value of Government bonds held by such banks, as has been contended for by the banks, and is likely that the matter will be taken into the courts for decision. Their contention is that as the value of nontaxable securities of the State banks is not taken into consideration in arriving at the value of the franchise, among the bonds must not be considered.

The assessment of shares of stock in national banks in the hands of the banks is being made this year by the Board of Valuation and Assessment for the first time, they having been assessed heretofore by the County Assessors of the counties in which located. The act of the last Assembly requiring the national banks to report to the State Board of Valuation and Assessment for the first time, they having been assessed heretofore by the County Assessors of the counties in which located. The act of the last Assembly requiring the national banks to report to the State Board of Valuation and Assessment for the first time, they having been assessed heretofore by the County Assessors of the counties in which located.

The recent decision by the United States Supreme Court in the Covington bank tax cases, brought under the old act, that courts in the State of Kentucky should be deducted in arriving at the value of the shares for purposes of taxation.

FEUD OF YEARS AGO RECALLED BY A SUICIDE.

Springfield, Ky., May 2.—Merrill Vest, a well-to-do farmer of the county, committed suicide by hanging himself in the barn of W. P. and Harry Grigsby.

The death of Mr. Vest recalls a feud that existed in the northern part of the county for several years between the Grigsby and Vest families. This feud during a period of about ten years more than a dozen men lost their lives. Vest often brooded over this at times, and was very despondent. This together with some recent financial losses, led him to commit suicide. He leaves a wife and one child.

RIVER AND WEATHER.

LONGITUDE AND LATITUDE OF LOUISVILLE.

STAGE OF THE RIVERS.

Reports of maximum temperature and precipitation during the past twenty-four hours ending at 7 p. m.

TEMPERATURE AND PRECIPITATION.

Constant and Normals.

City of Cincinnati, from and to Cincinnati.

INDEPENDENT COAL

Some claim to be independent, and we presume they are.

WE ARE NOT INDEPENDENT, BUT ARE MOST DEPENDENT

on the public for a living. We cannot afford to be INDEPENDENT—so sell only the best coals we can buy, and at lowest prices. If we could AFFORD to be INDEPENDENT we could sell ANYTHING to the trade.

—AGENTS—

Sell only what they have to. We buy the BEST from the BEST mines. If it does not suit WE DON'T TAKE IT. We are so DEPENDENT (on you) we insist on the best—for you must have it. We are INDEPENDENT with the mines, but DEPENDENT on you.

PACIFIC COAL COMPANY,
452 WEST JEFFERSON.

Phones 1821. STANLEY ADAMS, General Manager.

PARODY NO. 9.

Mary, Mary, quite contrary—
How do you feel of late?
As mad as can be, you can plainly see,
My coal shed's full of slate.

Mary, Mary, so contrary—I can't understand you to save my soul.
You would never be mad, but always be glad,
If you used 4th Pool Pittsburg Coal.

From—

Pacific Coal Co.,
452 W. Jefferson St.
STANLEY ADAMS, General Manager.
Phones 1821

AUCTION SALES.

By S. S. MEDDIS CO.

A Magnificent East End Corner Property LIQUIDATING SALE

By Order of Dennis Long & Co.

AT AUCTION,
200x185 ft. S. E. Cor. Letterlie and State streets

WEDNESDAY, MAY 3, 1905, AT 5:30 P. M.

This is a choice corner lot, well located; a splendid lot for grocery, saloon, meat and cottage homes. It is an admirable lot for improving, being 200 by 185 feet. It can be improved on both streets. Here is a lot for somebody to buy and build on. We will sell it in eight 2-foot lots on a corner, or as a whole. Must be sold to settle the affairs of Dennis Long & Co., now in liquidation.

Terms—One-third cash, balance 1 and 2 years, 5 per cent. interest. S. S. MEDDIS CO., Auctioneers.

By S. S. MEDDIS CO.

DISSOLUTION OF PARTNERSHIP SALE!

125x150 ft. Northwest Corner Kentucky and Underhill Sts.

IN LOTS TO SUIT

AT PUBLIC AUCTION

Wednesday, May 3, 1905, 4 p. m.

This property is directly opposite the Horst Mills and in a locality that will increase very rapidly in value. The lot is 125x150 feet, and is a choice corner lot. It is an admirable lot for improving, being 125 by 150 feet. It can be improved on both streets. Here is a lot for somebody to buy and build on. We will sell it in eight 2-foot lots on a corner, or as a whole. Must be sold to settle the affairs of Dennis Long & Co., now in liquidation.

Terms—One-third cash, balance 1 and 2 years, 5 per cent. interest. S. S. MEDDIS CO., Auctioneers.

PITTSBURG COAL

Prices are now within reach of all coal consumers. Our 4th Pool Coal is fresh loaded and free from slack.

Pure Pittsburg Lump, 100 Bushels.....\$12.00
Anthracite, all sizes, per Ton.....7.75
Coke, 50 Bushels.....4.50

ATLAS COAL CO.

INDEPENDENT.

Sole Agents for C. JUTTE & CO., Pittsburg.
Office 436 West Jefferson. CHAS. L. CRUSH, Gen. Mgr.

MONEY TO LOAN.

Rates 10 cents a line. Advertisements under this head are repeated same day in The Times Free.

WE LOAN THE PEOPLE WHEN IN NEED OF MONEY.

See us on household goods or salary. Low rates. Private and confidential. KY. LOAN AND BROKERAGE CO., Room 1, 429 Fourth, Home 245.

WE LOAN ON FURNITURE, PIANOS, HORSES, WAGONS, ETC. Without removal. LONGEST TIME—LOWEST RATES. EASY PAYMENTS—STRICTLY PRIVATE. AMERICAN LOAN CO., 41 W. Jefferson st., 24 floor.

FIDELITY LOAN CO. LOANS ON FURNITURE, PIANOS, HORSES AND WAGONS, ETC. ON SALARY PAYMENTS TO SUIT INCOME. FIDELITY LOAN CO., 502 FOURTH, 24 FLOOR.

MONEY ON YOUR PLAIN NOTE. We guarantee to do anything for you that any other company can do or will do. FALLS CITY LOAN CO., 407 4th, 24 floor, bet. Jefferson and Green.

PRIVATE LOANS ON FURNITURE, PIANOS, HORSES, WAGONS, ETC. UNION LOAN AND SECURITY CO., Room 216 Columbia bldg., 4th and Main. Home phone 1100.

MONEY TO LOAN. PRIVATE AND CONFIDENTIAL. MUTUAL BANKING CO., Rooms 101-102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

WANTED—Two good salesmen; splendid proposition. 707 W. Jefferson.

WANTED—Men for the U. S. Marine Corps; able-bodied, unmarried men between 18 and 35; good character; must speak, read and write English; must be able to sea on men-of-war in all parts of the world; must be able to handle arms and naval stations in the United States. Apply recruiting office, 52 Post-office bldg., Louisville, Ky.

WANTED—Men and boys to learn plumbing. We cannot supply demand for graduates. Earn while learning. Address: C. V. WILLIAMS, G. F. and P. A.

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Railroad Fares

Refunded

To-day and To-morrow

Under arrangement with the Retail Merchants' Association, of which we are members, we will refund railroad fares to out-of-town customers to-day and to-morrow.

Levy's Specials

MEN'S SUITS at \$10 and \$15; Boys' Suits at \$5; Youths' Suits at \$12.50.

Men's Shoes at \$3.50; Ladies' Shoes at \$2.50; Misses' and Boys' Shoes at \$2.

Guaranteed Underwear at 50c; Shirts at \$1; Night Shirts at 50c; Neckties at 50c.

Men's Hats at \$3; Boys' Hats at \$1.50; Children's Cloth Ties and Straw Suspenders and Yachting.

Cravette Umbrellas at \$1, and Cane Cases at \$1.

Visitors will find these the best bargains in town. Mail orders filled with the best of all of them.

Levy's Third and Market.

Courier-Journal.

WEDNESDAY, MAY 3, 1905

CITY FEATURES.

Without Interruption. The Tea and Coffee business of the late W. R. Benedict will be continued as same as HERETOFORE, handling one of the largest and best lines in the city. All phone orders given prompt attention. W. R. BENDICT, CO., 22 Fourth ave.

Henry Vogt Machine Co. are prepared with their improved facilities to give machine and boiler work prompt attention.

WILL DISCUSS

PROPOSED TUNNEL ON OAK STREET WITH RAILROAD MEN.

Special Committee From Upper Board Will Meet To-morrow—1902 Assessments Late.

Plans for the tunnel under the railroad tracks on Oak street, at Ninth street, will be discussed to-morrow afternoon when the special committee appointed by the General Council will meet with representatives of the L. and N. and C. & O. railroads. It is expected that excellent results will follow the meeting and that the work may be expedited. The following are members of the committee: Dr. R. M. Gilbert, Paul C. Barth and Joseph Nevins. W. L. Macpherson, first vice president of the L. and N., and some representative of the C. & O. railroads will be present.

The question of constructing a tunnel under the tracks on Oak street, at Ninth street, has been discussed for some time by the business part of the city with greater convenience, as fire engines may reach that section, has been acting the upper board of the General Council for many months. Plans were formed and drawn and it was found that a large water main of the Louisville Water Company was in the way. Charles Herman, engineer of the water company, proposed a scheme which will avoid this and the chance of getting the tunnel constructed seem better than they were. The railroads have agreed to do all that is necessary on their own right-of-way if the city will pay the cost of the tunnel. The delay in the work is that the city has not the money for the purpose.

SOMEWHAT LATE, BUT HERE.

Franchise Assessments For 1902 Come In From Frankfort.

Several years late, the assessments on the franchises of three railroads operating in Louisville were received yesterday by C. C. Murphy, city assessor. The assessments are the valuation placed on the franchises for the year 1902 by the State Board of Franchise Assessments and were delayed by some oversight. The following are the amounts assessed and the amount of taxes to be paid to the city:

Valuation.	Tax.
Central Transfer Ballway and Storage Co., \$4,460	\$ 70.51
Louisville and Nashville, 13,333	1,166.00
Cincinnati Division, 13,333	1,166.00
Louisville and Nashville, 13,333	1,166.00
Main line, 21,454	341.12
Louisville and Nashville, 13,333	1,166.00
Crest and Westport, 13,003	251.45
C. & O., 13,003	251.45

JOHN A. BROADDUS CAMP TO PLAN FOR REUNION.

The weekly meeting of John A. Broadbudd Camp, Sons of Confederate Veterans, will be held at 8 o'clock at Reunion Headquarters, Fourth avenue and Chestnut street. The sons of Veterans are taking great interest in the coming reunion and are working hard to do their share in making that event a success. At a recent meeting it was decided to hold meetings of the camp every Wednesday night until the reunion and the attention of members is called to this fact, as no further notices of meetings will be mailed. In addition to the reunion of veterans next month the annual reunion of the United Sons of Confederate Veterans will be held and the various camps throughout the South will send large delegations. The local camp is making preparations for their entertainment. A pleasant feature of the reunion will be the dinner given by the John Broadbudd Camp in honor of the visiting sponsors and their maids of honor.

SOUTHERN RAILWAY Best Line to Chattanooga.

Through Sleepers—Two Trains Daily.

Mrs. Rightor's Funeral.

The funeral of Mrs. Julia E. Rightor, who died from stroke of paralysis Sunday morning, took place at the home of her daughter, Mrs. Frank Snowdon, at Goshen, Ky., Tuesday. Interment was at the Crutcherfield burying ground, near Goshen.

Mrs. Rightor was born at Newport, Ky., December 23, 1837. She is survived by six children, Mrs. Hattie King and Mrs. Irene Ott, of Helena, Ark.; Mrs. May Mason, of St. Louis, Mo.; Mrs. Rightor, of Pittsburg, Pa.; Ed Rightor, Indianapolis, Ind.; and Mrs. Gertrude Snowdon, of Goshen, Ky.

MAY RETURN

To Louisville For 1907 Meeting.

VISITING BISHOPS INVITED.

MITCHELL HERESY CASE SAID TO HAVE BEEN DECIDED

FAVORABLY TO PROFESSOR.

Louisville may have the honor of entertaining the Board of Bishops of the Methodist Episcopal Church in 1907. The body of men who have been meeting in Louisville for the past five days on the subject of the heresy charges against Prof. C. C. Stoll and Albert Reutlinger yesterday invited the bishops to hold their session of 1907 in Louisville, and be their guests at the Seelbach Hotel. It is said to be probable that the offer will be accepted. It will not be definitely decided, however, until the meeting next spring in Washington City.

The Board of Bishops completed its labors yesterday at noon and adjourned after making disposition of the heresy charges against Prof. Hunkley G. Mitchell, of the Boston School of Theology. The finding of the bishops is withheld and will be kept secret until after the trustees of Boston University have been notified of the action taken. It is reported on good authority, however, that the bishops will sustain Prof. Mitchell, and while not actually endorsing his views as expressed in his book, "The Word of God," they will allow them to stand without disapproval. The greatest secrecy was maintained to the end of the session and it was not even given out on Monday that the case would be considered. Aside from this case there was nothing of importance transacted yesterday, the time being taken up with the completion of the routine work.

Extend Thanks.

The bishops adopted resolutions thanking the press of Louisville, the churches and the pastors for their cooperation in making the meeting one of the most pleasant and successful held. Nothing was said in any of the final resolutions about organic union with the other branch of the Methodist Church. Nearly all the bishops left Louisville yesterday afternoon, but the few who remained were taken for a drive about the city, to show them what Louisville was capable of. The needs of the church will be here some day. The Mitchell case, as it is commonly called, is an interesting one and has caused much discussion. Prof. Mitchell occupied the chair of Hebrew in Boston University and had made a special study of the history of the early portions of the Bible, and in his book maintained that the first five books, the "Pentateuch," were not written by Moses, but by some man who merely acted as historian and gathered together the traditions which he found at hand. The story of creation, Adam and Eve and the Garden of Eden, the serpent, the fall, etc., are described as beautiful allegories, but nothing more. When the book was published charges of heresy were brought against Prof. Mitchell, and he was sent to the Holy Land to conduct investigations, pending action by the Board of Bishops.

SPECIAL COUNSEL

EMPLOYED IN SOUTHERN PACIFIC BACK TAX CASE.

Fiscal Court Hopes To Collect—Official Repository Named.

The Fiscal Court yesterday decided to take an active hand in the pending suit of A. J. Bickel, revenue agent, against the Southern Pacific Company to enforce collection of back taxes claimed on \$300,000 worth of alleged omitted personality. The defendant company is a holding corporation for a number of railroads operating entirely in the South and Far West, and for steamship lines on the Pacific coast, but it has a Kentucky charter for which reason the claim for back taxes is asserted.

The court's interest in the amount which may be collected is almost one-half of what the State would receive in the event of successful seizure. For this reason the Fiscal Court determined to employ special counsel to assist Mr. Bickel. R. W. Bingham, County Attorney, was nominally assigned to the work, but he was authorized to engage William Marshall Bullitt to assist him. By resolution the court decided to pay Mr. Bullitt 50 per cent. of what money the county receives as the result of the action. Mr. Bickel's suit covers five years. For each year both T. C. Albright and Mr. Bullitt have brought suit to enforce the collection. Their claim in jurisdiction is yet to be determined.

The First National Bank was made official repository for the county, and in accordance with its bid, was to pay 50 per cent. interest. Heretofore no interest has been received by the county. The average debt of the county for the year 1904 was \$150,000, the new arrangement will make a material addition to the county's revenue.

Six bids upon the heating and lighting plant for the armory were received, ranging from \$10,000 to \$14,000, but as the armory is not yet completed, the work to be done, the matter was referred to a committee consisting of D. M. Murphy and B. B. Davis, architects, to report at a special meeting of the court next Saturday morning at 9 o'clock.

CIRCUS CAMEL TO LEAD THE CARAVAN.

Nobles of the Mystic Shrine To Make Another Pilgrimage To the Sacred City.

The camel left behind by Ringling Bros.' circus has been recovered to health by a veterinary surgeon and will be used by Kosar Temple, Nobles of the Mystic Shrine, to head the caravan, which tomorrow evening will make its pilgrimage to Mecca. Fifty-eight poor sons of the desert who wish to pledge their fate to Allah will be in the caravan, and if the sands be not too hot or the simoon too blinding, will eat salt and drink water among the faithful in the Sacred City.

The caravan will be the second of the year, the one in February having escorted sixty of the ungenerative caravan through the arid wastes. Illustrious Potentate John M. Scott and his official divan, have been laboring faithfully to make this pilgrimage as successful as the preceding.

The caravan will form at the Scottish Rite Cathedral at 6:30 o'clock in the evening and Mecca will be reached about 10 o'clock, where a banquet will be in waiting, to be served in style by the coming of the Arabs who have done the feat.

DAMAGES

Are Asked By Dr. Irwin Against Railway Co.

CAR AND HIS AUTO COLLIDED.

PLAINTIFF HAD A CLOSE CALL FOR HIS LIFE.

SLANDER SUIT COMPROMISED.

Suit for \$6,310 was brought yesterday by Dr. J. W. Irwin against the Louisville Railway Company as the result of a collision between his automobile and a car April 2, at the intersection of Baxter and Fernside avenues. In this accident Dr. Irwin was rendered unconscious and cut and bruised about the body, while his automobile was smashed to pieces. At the time he was going east on Baxter avenue on his way to visit a patient.

Two cars were approaching from either direction as he drew near Fernside avenue, and both, according to his petition, were running at a rapid rate of speed. As he was about to turn the corner, Dr. J. Hunter Peak and his family in a surrey appeared just ahead, coming toward him. In order to avoid a collision with Dr. Peak, Dr. Irwin turned his automobile sharply across the tracks in an effort to dash between the two cars closing in on him. The plaintiff blames the motorman of the car approaching from the rear for the accident. The petition says that this motorman was near enough to have sufficient time to appreciate the situation with regard to the approaching surrey and the other car, but that he did not do so. For this reason, it is claimed, the car crashed into Dr. Irwin's automobile as he attempted to gain the far side of the street. Dr. Irwin asks \$5,000 for his own hurts and twenty days' loss of time, and \$1,310 for destruction of his automobile.

Report of Grand Jury.

The grand jury returned the following indictments yesterday and adjourned until this morning: Wilful murder, Frances Manning. Petit larceny, Ren Wilbur. Malicious cutting, Ren Wilbur, Jesse Hickman.

Obtaining money by false pretenses. The grand jury returned two indictments. The Manning woman is charged with having killed her child.

Settle Slander Suit.

A \$2,000 damage suit brought by Bridget Weiden against Patrick Fitzgerald for alleged slander, pending in Judge Gordon's court, was settled yesterday by payment of \$35 and costs by the defendant. The plaintiff in her petition claimed that he had made severe charges against her moral character and that she was greatly humiliated, distressed and injured in her good name.

Court Paragraphs.

—Ed. Hollis, forty-two years of age, was declared insane in the Criminal Court yesterday. He was committed to a wagon several months ago and injured his head.

—The cases against Henry Warfield, charged with housebreaking; James Fisher, charged with robbery; and Sherman Kelly, charged with obtaining money by false pretenses, were all filed away, the Commonwealth not having sufficient proof to justify prosecution.

—Austin Butler, charged with grand larceny, was dismissed on peremptory instructions.

—Louis Harbesheimer, accused of arson, was dismissed on peremptory instructions.

—Amos Speth, under charge of vendicating, failed to appear and forfeited his \$500 bond.

—Birdie Silkenman sued Duke Silkenman for a divorce, alleging abandonment. They were married in 1895.

—The Pease-Gaubert Company sued S. J. Nathan for \$451.20, claimed on account of a note for \$1,040.

—The Grayson County National Bank sued John Tevis on a note for \$1,040.

—James W. Barnes sued Ida Barnes for divorce, alleging abandonment.

—Reading, alleging abandonment, was dismissed on peremptory instructions.

—John Hayden sued Jacob Schreck for \$300, claiming for damages.

—He was struck by a piece of tin which fell from a roof defendants were repairing.

—John A. Stratton sued Julia N. Johnston and others for \$295, commission claimed due in a real estate transaction.

—Mannasseh Levy & Co. sued Ben Brun for \$143.75, claimed on account.

—In the case of Ed. Hoffstetter against the Louisville Railway Company on account of injuries resulting from a collision with a car, a verdict for \$35 was given in Judge O'Doherty's court, Special Judge Thurston being sitting.

—Mort and sent suits for back taxes against the following on alleged omitted valuations: Rankin & Snyder, \$5,000; Rankin, \$10,000; S. O. Snyder, \$10,000.

Court of Appeals.

Frankfort, Ky., May 2.—Present: Whole court sitting, Judge Cantrell.

Commonwealth of Kentucky, for use, vs. Lewis C. Marshall, reversed.

South Covington and Cincinnati Street Railway Co., etc., vs. Smith, Campbell, McCoy, etc., vs. Cassidy, Martin, et al., affirmed.

Thomas vs. Hager, Auditor, Franklin, reversed.

Adams vs. Roberts, Lee; appeal dismissed.

Wilson, etc., vs. Wilson, etc., Wood Mutual Insurance Co. of Kentucky vs. Chosen Fire Insurance Co., reversed.

Clark vs. Clark, Hollingsworth vs. Barrett, affirmed; appeals given twenty days' extension of time to file brief.

Fraternity Construction Co. vs. Jackson Foundry and Machine Co., McCracken; appeals given fifteen days' additional time to file brief.

McCracken; appellant given ten days' additional time to file brief.

Curt, Scott & Co. vs. Hodges, Barron; agreement filed; parties given until May 18 to file brief.

German-American Insurance Co. vs. Yellow Poplar Lumber Co.; Boyd; Cecil vs. National Bank, et al.; petitions for rehearing overruled.

Jones vs. Dulaney, Mitchell & Co.; opinion modified.

Davis vs. Vanceburg Tel. Co.; Lewis; parties filed brief.

Mattney vs. Williamson, Pike; appeal filed brief.

Breathitt; appellant filed brief.

Upton's Committee vs. Gentry, Harding; agreement filed and motion to strike case from the docket.

First National Bank vs. Erie; motion by appellee to dismiss the appeal granted by the lower court and to discharge surety.

Shelby vs. Commonwealth, Laurel; Piersall vs. same; John Taylor vs. same; Fayette vs. same; set for May 10.

Yates vs. Big Sandy Railway Company; Johnson; corrections made in transcript; motion of record.

Portigo vs. Botts, Barron; appeals filed brief.

Muir's administrator vs. city of Bardonia, Neshoba; affidavits filed and order for subpoena duces tecum.

Ford vs. Sartain, etc.; Mason; appellant filed petition for rehearing.

Asher vs. Howard, etc.; Bell; appellant given until July 1 to file brief.

First National Bank vs. Erie; Erie's assignment overruled; notice, agenda and motion.

MAY GO ON GOVERNMENT MISSION TO SAN DOMINGO.



CAPT. W. S. WRIGHT. Former newspaper publisher of Logansport, Ind., now a resident of New York. He once held an important position in Santo Domingo under President Jimenez.

tion by appellant for oral argument at present time.

Equitable Life Assurance Society vs. Commonwealth of Kentucky, three cases. Fulton promissory note, \$100,000, L. and N. Ry. Co. vs. Hopkins, Judge, Henry, Cumberland Telephone and Telegraph Co. vs. same; appeals given until ten days before case is set on argument docket to file brief.

Louisville Gas Co. vs. Kentucky Heating Co., Harding; argued by D. W. Fair-high for appellant and Louis McQuinn for appellee, and further argument continued until to-morrow at 11 o'clock.

Court adjourned until to-morrow at 11 o'clock.

Court of Appeals Decisions.

Commonwealth vs. Walls.—Filed April 14, 1905. (Not to be reported.) Appeal from Judge Payne's court. Opinion of the court by Judge Payne, reversing.

First.—Indictments—Forgery—Altering Instruments.—Indictment wherein charges, in substance, that an order for the payment of money was altered by erasing certain words in it, and that a certain sum should be withheld, so as to collect the balance of the same, and to charge forgery, because it enabled him who made the erasure to obtain money by his wrongful act.

Second.—Same.—It is not necessary that an entire instrument should be forged to make the crime of forgery complete. This crime may be committed by the alteration of an instrument by erasure or addition with intent to prejudice the rights of another.

N. E. Hays, C. H. Morris for appellant, City of Lexington, etc., vs. Meyer. Filed April 20, 1905. (Not to be reported.) Appeal from Judge Payne's court. Opinion of the court by Judge Payne, reversing.

Anneking Property.—Lasting of Property for Taxation.—Where property was not situated within the corporate limits of a city on the date at which it should be assessed for taxation, it was not subject to taxation in that city for that year. See Sections 3,355 and 3,356 Kentucky Statutes.

The property appellant not having been annexed to the city of Lexington at the time fixed for its assessment by these statutes, it was clearly not subject to taxation there for that year, but in South Lexington, from which it was transferred, if it was subject to a tax at all.

L. L. Manson, L. T. Applepie, A. L. Vickers for appellant; Orie S. Ware, John S. Rich for appellee.

Munahan vs. Cincinnati, Newport and Covington Street Railway Company, etc. Filed April 14, 1905. (Not to be reported.) Appeal from Campbell Circuit Court. Opinion of the court by Judge Payne, reversing.

Street Railways—Action Against for Damages—Discharge of Passenger.—The rule as to discharge of passengers is different in the case of street railways from that in the case of common carriers.

While the latter is under no such obligation as to discharge passengers already seated in a safe place for such discharge, at convenient places along the streets it traverses, in this action there being no averment in the petition that there was a defect in the street nor an averment that the passenger was injured, a demand for a safe place where the car stopped, and no averment that the condition alleged was defective, unless it was made to appear that the passenger was injured, was properly sustained in her petition in this action for damages against appellee.

H. M. Benton for appellant; L. J. Crawford for appellee.

Willis Mount vs. The Commonwealth of Kentucky.—Filed April 27, 1905. (To be reported.) Appeal from Common Pleas Court. Opinion of the court by Judge Satter.

First.—Change of Venue.—Discretion of Court.—On motion of defendant in a criminal prosecution for a change of venue, the burden is on him to show that he cannot get a fair trial in the county where the indictment was returned.

They were married in 1895.

Second.—Continuance.—Absent Witness.—Reading, alleging abandonment, was dismissed on peremptory instructions.

Where on a second trial of a defendant indicted for murder, a witness who testified on the former trial was absent, and the defendant filed an affidavit that he was unable to produce him, the court is not bound to grant the continuance because the witness was not present at the trial.

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